

REMARKS

With entry of the foregoing Amendment, Claims 2, 4-13, 17, 39, and 57 remain in the application. Claim 39 and 57 are the only remaining independent claims.

Applicants have cancelled independent Claim 1 and amended Claim 39 in view of the rejection under 35 U.S.C. § 112, first paragraph. The specification does disclose that different life insurance policies can be compared and that also different mutual funds can be compared. The rejection should now be overcome.

Regarding the rejection of various claims under 35 U.S.C. § 103(a) as being unpatentable over Robinson (U.S. Pat. 6,484,152) in view of Shapiro ("Annuity vs. Mutual Funds Fairer Comparisons", National Underwriters, August 3, 1998, Vol. 102), it is respectfully submitted that Applicants' claims, especially in light of the foregoing amendments, are patentable.

We refer first to one of the described preferred embodiments of Applicants' invention, specifically Figs. 3A and 3B of the application as originally filed and the accompanying text at pages 7-11. In particular, we refer to the comparison process as described beginning at page 9, line 23 through page 10, line 29.

At step 710 a maximum raw score and minimum raw score for each attribute are first adjusted by a dispersion factor. The dispersion factor is used to reduce clustering of scores and to curve the results of a particular attribute. As one of skill in the art would realize, a dispersion factor is a measure of how much a data set is clustered, and not the data set's absolute range.

The example at the top of page 10 gives one particular embodiment where the dispersion factor (DF) is applied to both the adjusted minimum score, *i.e.*, as per equation (1) and the adjusted maximum score, *i.e.*, as per equation (2). In the example of Fig. 4D, the dispersion factor (DF) used is fixed at 10%.

At step 730, the raw scores are then scaled according to an adjusted range that is not fixed, but calculated from the adjusted minimum and maximum scores provided by the dispersion factor adjustment in step 710. In the specific example of the application of equation (3), the scaled factor score of product J is different than the scaled factor score for another product E. The scale factor adjusts range of the data set, but not the amount of its clustering.

At step 740, the weighted scores for each attribute for each product are calculated by the product of the scaled scores and their assigned weights.

At step 750, the weighted scores of each product are summed together resulting in an overall score.

We therefore submit that, according to the Applicants' disclosure, the application of a dispersion factor is a different step, totally distinguishable from the application of a scaling factor.

Thus, while the Robinson prior art may admittedly show scaling of various attributes, it does not show both the application of a dispersion factor and a scaling factor. This feature is now more specifically set forth in Applicants' claim 57.

It is further more respectfully submitted that the application of weights alone, without the scaling factors, would not provide all of the advantages of Applicants' invention.

The prior art publication by Shapiro does not remedy this deficiency of Robinson.

In this regard, the other claims have also been amended to depend from Claim 57.

A similar amendment has been presented above with respect to Claim 39 to make it clear that a dispersion factor and a scaling factor are applied as two distinct steps.

Furthermore, Gatto, U.S. Pat. No. 6,681,211 also does not teach the use of dispersion factors. All that Gatto suggests at column 17, line 48, through column 19, line 48 is the application of a weight factor. This is used to generate a weighted score. Gatto does not recognize the applicability of dispersion factors, or the use of both dispersion and weighing factors.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If

the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By 
David J. Thibodeau, Jr
Registration No. 31,671
Telephone: (978) 341-0036
Facsimile: (978) 341-0136

Concord, MA 01742-9133

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